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3 District of Washington  
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10 UNITED STATES DISTRICT COURT  
11 FOR THE EASTERN DISTRICT OF WASHINGTON  
12

13 UNITED STATES OF AMERICA,  
14

15 Plaintiff,  
16

17 v.  
18

19 PAUL LAWRENCE SYLVESTER,  
20

21 Defendant.  
22

1:22-CR-2007-MKD

Discovery Status Report

23 Plaintiff, United States of America, by and through Vanessa R. Waldref,  
24 United States Attorney for the Eastern District of Washington, and Thomas J.  
25 Hanlon, Assistant United States Attorney for the Eastern District of Washington,  
26 hereby submits the following Discovery Status Report pursuant to this Court's  
27 order. (ECF No. 37).  
28

*Discovery*

29 This Court has directed the United States to provide a status report on  
30 discovery, including an explanation as to why the contents of a cell phone have  
31 not yet been produced to defense.

32 On March 29, 2023, initial discovery was produced in this case. On April  
33 6, 2023, a second batch of discovery materials were produced. On April 10,

1 2023, a third batch of discovery materials were produced. At that time, it was  
2 believed that all discovery had been provided to counsel. Counsel assigned to the  
3 instant case has been out of the office.

4 In late July 2023, counsel learned that there was a discovery issue  
5 concerning contents of a cell phone. Counsel reviewed the case file and  
6 discovery that had previously been provided. Counsel contacted the assigned  
7 case agent and requested the cell phone materials. The assigned case agent  
8 advised that the cell phone contents had already been provided to the United  
9 States Attorney's Office via a hard drive which also contained the discovery that  
10 had already been produced. Counsel reviewed the hard drive and determined that  
11 the cell phone materials were not present. The case agent was contacted and  
12 advised the cell phone materials were not on the hard drive. The case agent was  
13 advised of the urgency of obtaining the contents of the cell phone. On July 26,  
14 2023, the case agent produced a copy of contents of the cell phone. On the same  
15 day, the discovery was sent to counsel.

16  
17 DATED this 28<sup>th</sup> day of July 2023.

18 Vanessa R. Waldref  
19 United States Attorney

20 *s/Thomas J. Hanlon*  
21 Thomas J. Hanlon  
22 Assistant United States Attorney  
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**CERTIFICATE OF SERVICE**

I hereby certify that on July 28, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to Robert Flenbaugh II.

*s/Thomas J. Hanlon*  
Thomas J. Hanlon  
Assistant United States Attorney